

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**WESLEY MCANALLY, ON
BEHALF OF HIMSELF AND ALL
OTHERS SIMILARLY SITUATED,**

PLAINTIFF

V.

**ELITE FIBER, LLC, JOHN
MUSCHALEK AND LINDA
MUSCHALEK, INDIVIDUALLY,**

DEFENDANTS

CIVIL ACTION NO. 5:24-cv-1393

MOTION FOR ENTRY OF CLERK'S DEFAULT

Plaintiff Wesley McAnally has effected service on all three Defendants (Dkt. 10) in this matter pursuant to the order for alternative service entered by this Court (Dkt. 9). Service occurred on January 22, 2025 with answer date of February 12, 2025, making all Defendants' answers overdue. Since Defendants have not appeared, Plaintiff requests that a clerk's default be entered as to all three Defendants. Plaintiff and the opt-in plaintiffs will promptly file a motion for entry of default judgment against the Defendants.

Respectfully submitted,

/s/ Josef F. Buenker

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ATTORNEY FOR PLAINTIFF

Certificate of Service

I hereby certify that on March 6, 2025, I electronically filed a copy of this pleading and mailed it to John Muschalek, Linda Muschalek, and Elite Fiber, LLC at 817 Paddy Rd., Floresville, Texas 78114.

/s/ Josef F. Buenker
Josef F. Buenker